

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:09cv307

UNITED COMMUNITY BANK,)	
)	
Petitioner,)	
)	
vs.)	
)	
JORGE ANGARITA, ARMANDO G. ARMAS,)	
JOSE G. BELTRAN, ALINA BOYD, PRECIOUS)	
BROOKS, MARTHA G. ESPARRAGOZA,)	
NESTOR ESPARRAGOZA, FOLAYELE F.)	
FAPOHUNDA, THOMAS L. FLYNN,)	
HYVRON L. JEAN, LAWRENCE B. OGEDEGBE,)	
WILSON O. OLUREMI, ADEYOLA OWOLADE,)	
MICHAEL PENA, SALLY PENA, ADEKUNLE G.)	
ROGERS, RAFEL A. UBEDA, GLEN B.)	
WARRINGTON and RENEE E. WARRINGTON,)	
)	
Respondents.)	
)	
)	
)	

ORDER

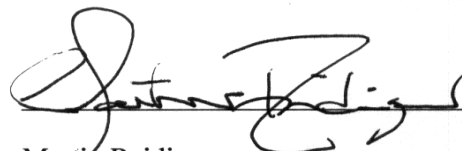
THIS MATTER is before the Court on the Petitioner's Motion for Relief from Entry of Default and Default Judgment as to Respondents Luther T. Ellis and Tisa T. Ellis [Doc. 35] and the Petitioner's Motion to Dismiss Respondents Luther T. Ellis and Tisa T. Ellis [Doc. 37].

The Court finds for the reasons stated in the motions that each should be granted.

IT IS, THEREFORE, ORDERED that the Petitioner's Motion for Relief from Entry of Default and Default Judgment as to Respondents Luther T. Ellis and Tisa T. Ellis [Doc. 35] is hereby **GRANTED** and the Petitioner's Motion for Entry of Default [Doc. 28] and Motion for Default Judgment [Doc. 25] are hereby deemed **WITHDRAWN** as to Luther T. Ellis and Tisa T. Ellis and the Entry of Default [Doc. 29] and Default Judgment [Doc. 31] are hereby **SET ASIDE** as to Luther T. Ellis and Tisa T. Ellis; and an Amended Judgment is entered simultaneously herewith.

IT IS FURTHER ORDERED that the Petitioner's Motion to Dismiss this action as to Respondents Luther T. Ellis and Tisa T. Ellis [Doc. 37] is hereby **GRANTED**.

Signed: October 18, 2010


Martin Reidinger
United States District Judge

